



State of Utah

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Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Paula Doughty, *Chair*
Steve P. Simpson, *Vice-Chair*
Myron E. Bateman
Clyde L. Bunker
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Neal L. Peacock
Gregory L. Rowley
Amanda Smith
Daniel C. Snarr
Jeffery L. Tucker
Walter L. Baker
Executive Secretary

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116
Wednesday, January 23, 2013

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Neal Peacock	Clyde Bunker	Paula Doughty
Greg Rowley	Leland Myers	Darrell Mensel
Steven Simpson	Jeffery Tucker	Merritt Frey

Absent: Amanda Smith, Myron Bateman and Daniel Snarr

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Leah Ann Lamb, Faye Bell, Emily Cantón, Beth Wondimu, Ed Macauley, Hilary Arens, Chris Bittner and Ben Holcomb

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Jim Olson	HDR Engineering
Lowell Peterson	Wolf Creek Water & Sewer
Annette Ames	Wolf Creek Water & Sewer
Larry McBride	Wolf Creek Water & Sewer
Robert Thomas	Wolf Creek Water & Sewer
Jim Halay	Wolf Creek Water & Sewer
Brad Phillips	Citizen

Chair Doughty called the Board meeting to order at 9:05 a.m. and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE DECEMBER 6, 2012 MEETING

Motion: It was moved by Mr. Simpson and seconded by Mr. Rowley to approve the minutes of the December 6, 2012 meeting with no changes. The motion was unanimously approved.

Executive Secretary's Report: Ms. Lamb filled in for Mr. Baker who was out sick. Ms. Lamb reported to the Board that a list of applicants has been compiled for the new Water Quality Board. The Division of

Water Quality solicited numerous partner agencies which responded with their recommendations. The list of candidates will be considered by the Governor's office by mid-February.

The Willard Spur science panel will be meeting in our office on January 28th and 29th. Board members are welcome to attend. Ms. Lamb said they expect the Willard Spur science panel recommendations will soon be ready to go before the Board.

Operator Certification Council Appointments: The terms of service for three members of the Wastewater Operator Certification Council expire January 31, 2013. The appointments expiring are Dan James, representing Certified Operators; James Faulkner, representing Wastewater Management; and Rex Ausburn, representing the Private Sector." Recommendations to fill these vacancies were solicited from a number of sources. Upon consideration, staff recommended that Kerry Eppich fill the vacancy representing Wastewater Management" and Dan James be reappointed to represent Wastewater Operators. Staff did not receive any recommendations for someone to represent the "Private Sector", and a recommendation to fill that position will be made to the Board in February.

Motion: **It was moved by Mr. Peacock and seconded by Mr. Myers to approve staff's recommendation to fill two of the three vacant positions on the Wastewater Operator Certification Council. The motion was unanimously approved.**

FUNDING REQUEST

2013 Intended Use Plan (IUP) & Project Priority List (PPL): Ms. Cantón presented the FY 2013 IUP (Intended Use Plan) and PPL (Project Priority List) to the Board and requested approval to go to public comment for feedback on both items.

Motion: **It was moved by Mr. Myers and seconded by Ms. Frey to approve staff's recommendation take the 2013 IUP and PPL to public comment. The motion was unanimously approved.**

Financial Assistance Status Report– Ms. Cantón updated the Board on the "Summary of Assistance Program Funds" as shown on page 3.43 of the Board packet.

Wolf Creek Water and Sewer Improvement District Request for funding – Ms. Wondimu introduced Lowell Peterson with Wolf Creek Water and Sewer Improvement District (District). On March 5, 2007 the Board had authorized the District a \$5,300,000 loan at 3.0% interest to construct a membrane bioreactor (MBR) system to replace its existing failing wastewater lagoon system. In October 2009, the District forecast that it would be unable to make its April 2010 bond payment due to insufficient new customers. On November 25, 2009, the Board authorized the District a replacement loan repayable over 20 years with an interest rate of 0% for the first 3 years, and 3% for the remaining term. The District will complete its payment for the first three years in February of this year, however, it is still unable to make its February 2014 payment due to continued lack of growth. Staff recommends that the Water Quality Board authorize a 1% interest loan in the amount of \$4,338,000 over 17 years to replace the District's loan authorized November 25, 2009, subject to special conditions. The Board disagreed with staff's recommendation, preferring to maintain the existing loan as-is, but to waive any interest for the next three years.

Motion: **It was moved by Mr. Rowley to wave any interest accrual for three (3) additional years, following which the Board would again review the loan terms upon Wolf Creek's request.. The motion was seconded by Mr. Bunker and was unanimously approved.**

RULEMAKING

Request to proceed with rulemaking on R317-2, Standards of Quality of Waters of the State:

Mr. Holcomb and Mr. Bittner presented to the Board the proposed changes to Standards of Water Quality for Waters of the State. (R317-1 and R317-2). Mr. Myers suggested the following changes:

*D. If biological assessments reveal a biologically degraded water body, specific pollutants responsible for the degradation will not be formally published (i.e., Biennial Integrated Report, TMDL) until a thorough evaluation of potential causes, including nonchemical stressors (e. g. , habitat degradation, hydrological modification **or criteria described in 40 CFR 131.10 (g)(1 - 6) as defined by the UAA process**), has been conducted.*

Motion: **It was moved by Mr. Myers and seconded by Mr. Tucker to approve the staff's recommendation take R317-2, Standards of Quality of Waters of the State to public comment with the recommended change. The motion was approved with Mr. Rowley abstaining and Ms. Frey and Mr. Bunker opposing.**

OTHER BUSINESS

Red Butte Oil Spill wrap-up: Ms. Arens and Mr. Bittner explained the NOV for the June 2010 Chevron Pipeline Oil Spill was formally closed out on December 20, 2012 with Walt Baker's signature of the Decision Document and a companion Compliance Order executed with Chevron Pipe Line Company. These two documents provide a basis for the end of clean up activity on Red Butte Creek and resolve DWQ's Notice of Violation. Mr. Mensel commented he'd like to see the Board be more involved in decisions with high penalty potential. Mr. Bittner said he would research that. It was noted that recent changes to the statute (19-5-104) required the Board to review any civil penalty of \$25,000 or more. This will afford an opportunity for Board discussion of penalties.

**Next Meeting – February 20, 2013, 9:00 a.m.
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116**

Paula Doughty, Chair
Utah Water Quality Board